

REMARKS

In the Office Action mailed April 30, 2009, the Office noted that claims 6-10 were pending and rejected claims 6-10. No claims have been amended, claim 10 has been canceled, and, thus, in view of the foregoing claims 6-9 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 101

Claim 10 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office asserts that the claim is to non-functional descriptive material.

The claim has been cancelled.

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 6-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Junsaku, JP 2002-216361. The Applicants respectfully disagree and traverse the rejection with an argument.

On pages 2 and 3 of the Office Action, it is asserted that Junsaku ¶¶ 0034-0037 and 0048; and 3 and 2 of Fig. 3 disclose "a first controlling device for controlling said writing

device to continuously write the record information into the first and second recording layers," as in claim 6.

However, the Applicants acknowledged that Junsaku discusses the recording operation with respect to the second recording layer 2 (i.e. the recording layer on the rear side) is performed after the recording operation with respect to all portion of the first recording layer 3 (i.e. the recording layer on the front side) is ended (see Junsaku ¶¶ 0036, 0044, 0052, 0069 and 0075). Thus, Junsaku does not disclose that the recording operation with respect to the second recording layer 2 and the recording operation with respect to the first recording layer 3 are performed continuously (i.e. alternately).

Therefore, Junsaku does not disclose the novel feature of claims 6 to 9 such as the "first controlling device for controlling the writing device to continuously write the record information into the first and second recording layers."

On page 3 of the Office Action, it is asserted that Junsaku ¶¶ 0046-0048 and Fig. 3, 8a-8d discloses "a second controlling device for controlling said writing device to write a predetermined amount of buffer data on an outer circumferential side of the record information written in the first and second recording layers; and a third controlling device for controlling said writing device to add buffer data on an outer circumferential side of the predetermined amount of buffer data," as in claim 6.

However, Junsaku definitely indicates that each of the areas 8a and 8b (i.e. 8b-1 to 8b-4) is unrecorded area (see Junsaku ¶ 0046). Thus, the Junsaku areas 8a and 8b do not meet the recited "area into which the buffer data is written," of claim 6. Therefore, Junsaku does not disclose "the second controlling device for controlling the writing device to write a predetermined amount of buffer data on an outer circumferential side of the record information written in the first and second recording layers" and (ii) "the third controlling device for controlling the writing device to add (**i.e. additional write**) buffer data on an outer circumferential side of the predetermined amount of buffer data." (Annotated emphasis added)

Further, Junsaku discusses the areas 7b-2 and 7b-3 into each of which address is written (see Junsaku ¶ 0065 and Fig. 3). However, Junsaku does not disclose that the area 7b-2 (or 7b-3) are prepared in two steps. In other words, Junsaku does not disclose that firstly recorded information and the secondary recorded information are separately written into the area 7b-2 (or 7b-3).

In contrast, the present claims 6 to 9 define that (i) the firstly recorded buffer data (i.e. a predetermined amount of buffer data) is firstly written by the control of the second controlling device and then (ii) the secondary recorded buffer data is added (i.e. is additionally written) by the control of the third control device. Therefore, Junsaku does not disclose

the novel feature of claims 6 to 9 such as (1) "the second controlling device for controlling the writing device to write a predetermined amount of buffer data on an outer circumferential side of the record information written in the first and second recording layers" and (ii) "the third controlling device for controlling the writing device to add (*i.e. additional write*) buffer data on an outer circumferential side of the predetermined amount of buffer data," (annotated emphasis added) as in claim 6.

The method of claim 9 recites similar step to the features of claim 6. Therefore, for at least the reasons discussed above, claims 6 and 9 and the claims dependent therefrom are not anticipated by Junsaku.

Withdrawal of the rejections is respectfully requested.

#### SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 101 and 102. It is also submitted that claims 6-9 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional

fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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